IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE TENTH DAY OF NOVEMBER TWO THOUSAND AND THREE

: PRESENT :

THE HON'BLE DR. JUSTICE: **MOTILAL B.NAIK**

AND

THE HON'BLE MR.JUSTICE: **DALAVA SUBRAHMANYAM**

W.P. No.23476 of 2003

Between:
Nadimpalli Rama Raju.

Petitioner

AND

1. The Regional Transport Officer, Government of Andhra Pradesh, Bhimavaram, West Godavari District.
2. The Motor Vehicle Inspector, Transport Department, Bhimavaram, West Godavari District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the impugned Notice under Section 86 of the Motor Vehicles Act, 1988, directing the Petitioner to pay the compounding fee of Rs. 47,600/- for the alleged violation of carrying an overload of respective weights on various dates in the month of July, 2003 in the petitioner's lorry bearing Registration No. AP 37/V 8199 without following the procedure contemplated under the Act and the Rules made thereunder is arbitrary, illegal and violative of Articles 14, 19 and 21 of the Constitution of India and accordingly set aside the impugned order of the respondent vide R.No. 7496/03/2003 dt. –10-2003.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.Muralidhar Reddy, Advocate for the Petitioner and of G.P. for Transport, on behalf of the Respondents.

The Court made the following **ORDER:**

" Post for admission and disposal on 17-11-2003. The G.P. for Transport shall obtain instructions in this regard.

Pending further orders the respondents shall receive quarterly tax ending with December, 2003 without insisting for payment of tax determined on 15-10-2003."

ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

To

1. The Regional Transport Officer, Government of Andhra Pradesh, Bhimavaram, West Godavari District.
2. The Motor Vehicle Inspector, Transport Department, Bhimavaram, West Godavari District.

3. Two CCs to G.P. for Transport, High Court of A.P.Hyd(OUT)
4. Two spare copies.

SAH